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Convention on the Rights of Persons with Disabilities

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Consideration of reports submitted by parties to the Convention under article 35

List of issues in relation to the initial report of Thailand

Addendum

Replies of Thailand to the list of issues*, **

[Date received: 27 November 2015]

* The present document is being issued without formal editing.
** Annexes can be consulted in the files of the Secretariat.

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A. Purpose and general obligations (arts. 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/THA/Q/1)

1. Thailand is in the process of the accession to Optional Protocol to the Convention. Various steps were taken since 2013, which included dissemination of information to organizations of persons with disabilities, Civil Society Organizations (CSOs) and stakeholders all over the country, translation of the Optional Protocol into Thai, commission of a consultant to study the preparation needed in term of legislation and infrastructure in order to accede to the Optional Protocol. The result of the study on the effect of the accession of the Optional Protocol will be presented to the Sub-Committee on the Implementation of the CRPD and National Committee on Empowerment of Persons with Disabilities, where relevant government agencies, organizations of persons with disabilities, and CSOs can exchange their views based on their mandate and consultation with the public done in 2013 and 2015. The decision to accede to the Optional Protocol as endorsed by the National Committee is expected to be submitted to the Cabinet for approval in May 2016. Please refer to Table 1 of Annex.

Definitions (art. 2)

Reply to the issues raised in paragraph 2 of the list of issues

2. In order to enjoy and exercise all human rights on an equal basis with others, persons with disabilities need some forms of reasonable accommodation. In principle, Persons with Disabilities Empowerment Act (PDEA) B.E. 2550 (2007) and its amendment (Vol. 2) B.E. 2556 (2013) prohibits discriminatory actions that results in the loss of benefits or rights of persons with disabilities in the ground of their disabilities. Disabilities Thailand, which is an umbrella organization of all national organizations of and for persons with disabilities, and representatives from organizations of persons with disabilities are also in the process of submitting the draft amendment to PDEA B.E. 2550 and its amendment (Vol. 2) B.E. 2556 (2013) to the National Committee on Empowerment of Persons with Disabilities for consideration. Such amendments include providing a specific definition of reasonable accommodation and specifying that denial of reasonable accommodation is a form of discrimination. There are legal avenues available in urban and rural areas to guarantee the rights of persons with disabilities. Provincial Sub-committee on Empowerment of Persons with Disabilities provides support and receives complaints including those related to discrimination from persons with disabilities. Persons with disabilities concerned will be provided with legal assistance such as legal counseling, dispute settlement and legal representation in accordance with the National Committee on Empowerment of Persons with Disabilities Regulations on Legal Assistance and Provision of Lawyers to Persons with Disabilities B.E. 2552. Hotline 1567 and 1300 are available 24 hours to receive calls from persons with disabilities and families. Their cases will be referred to DEP for further action.

3. At the national level, there are independent agencies as mechanism for safeguarding human rights such as the National Human Rights Commission of Thailand (NHRCT), the Ombudsman Thailand and the Administrative Court, which is another channel where people, including persons with disabilities, can submit complaints against discrimination.

4. There is an important case concerning accessibility in transportation. Persons with Disabilities' Network filed a lawsuit to Bangkok Metropolitan Administration (BMA) and Bangkok Transport System (BTS) for not providing elevators at all its sky train stations. Persons with Disabilities' Network won the case at the Supreme Court, and as a result,

BMA and BTS are required to install the elevators in every sky train station by the end of 2015, which costs them over 6.6 million USD.

5. After the Sub-committee on Elimination of Discrimination against Persons with Disabilities (SEDPD) was established under PDEA B.E. 2550 (2007) and its amendment (Vol. 2) B.E. 2556 (2013), which empowers the Sub-committee, expands its mandates and allows more budget allocation, the number of the cases has increased. Complaints received through the Sub-committee include: health issues (cannot get assistive devices/prosthetics & orthotics, do not get proper care and services), education (cannot receive inclusive education, no services, no Individualized Education Plans (IEP) for students with disabilities) and employment (cannot get jobs in open labor market, no career path, not promoted in the work places). Since Thailand is in the process of ratifying the Optional Protocol of CRPD, persons with disabilities in Thailand will be able to have another legal avenue to challenge discriminatory laws and practices at the international level.

Reply to the issues raised in paragraph 3 of the list of issues

6. Disability I.D. cards shall be issued to the persons who fall into one or more of the 7 categories of disabilities as prescribed in Section 4 of PDEA B.E. 2550 (2007), and its amendment (Vol. 2) B.E. 2556 (2013). Such seven categories, which include visual, hearing or communication, intellectual, mental or behavioral, learning, autism, and physical or locomotion disabilities are in line with the Convention. The agencies concerned are well aware of an evolving concept of disabilities resulting from the interaction between the persons with impairments and barriers that hinder their full and effective participation in society on an equal basis with others. Their regular discussions on this are with the view to incorporate the International Classification of Functioning, Disability and Health (ICF), which is WHO framework for measuring health and disability at both individual and population levels, including Washington Group on Disability Statistics into national statistical surveys, relevant public policies and subsequently to improve the criteria to issue disability I.D. cards in the future.

General obligations (art. 4)

Reply to the issues raised in paragraph 4 of the list of issues

7. According to the PDEA B.E. 2550 (2007) and its amendment (Vol. 2) B.E. 2556 (2013), Key functions of the Provincial Sub-committees on Empowerment of Persons with Disabilities include:

- To set up the Provincial Plans, Projects and Strategies for the Empowerment of Persons with Disabilities that comply with the National Plan on the Empowerment of Persons with Disabilities as well as provincial development plans and local administrative offices plans.
- To cooperate with other offices/organizations in the province regarding the empowerment of persons with disabilities.
- To decide budget to be allocated from the Fund for Empowerment of Persons with Disabilities for the projects proposed by organizations of persons with disabilities and to be allocated as loans to support entrepreneurs with disabilities.
- To monitor and follow up cases of persons with disabilities who may have difficulties in enjoying their rights guaranteed by the laws, including those who experience discrimination.
- To screen plans and projects on the empowerment of persons with disabilities in the province, as assigned by Sub-committee on the Administration of the Fund for

Empowerment of Persons with Disabilities and the National Committee on Empowerment of Persons with Disabilities.

- To strengthen and support organizations of persons with disabilities and Disability Services Centers in the province.
- To appoint working group to support the Sub-committee.
- To fulfill other duties as stated in the laws or as assigned by the Committee.
- Membership of persons with disabilities in the Provincial Sub-committees on Empowerment of Persons with Disabilities.

8. The Regulations of the National Committee on Empowerment of Persons with Disabilities regarding the Provincial Sub-committees on Empowerment of Persons with Disabilities state that the Provincial Sub-committees on Empowerment of Persons with Disabilities consists of 32 members. Six Chairpersons of 6 types of organizations of and for persons with disabilities in the province are members of the Sub-committee. Three of which are persons with disabilities who represent the Association of the Physically Handicapped (APHT), National Association of the Deaf in Thailand (NADT) and Thailand Association of the Blind (TAB). (The chairpersons of Association of Parents for Thai Persons with Autism, Association for Persons with Intellectual Disabilities and Association of Persons with Mental Disabilities of Thailand are caretakers of persons with disabilities). The 3rd Deputy Chairperson, who is the Chair of the Provincial Council for Persons with Disabilities by rotation from 6 types of organizations of persons with disabilities, can also be a person with disability. Five disability experts in the Sub-committee are proposed by standardized organizations of persons with disabilities.

B. Specific Rights of the Convention

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 5 of the list of issues

9. The Constitutions of the Kingdom of Thailand B.E. 2540 (1997) and B.E. 2550 (2007) specifically prohibit discrimination against persons with disabilities. The present interim Constitution in B.E. 2557 (2014) guarantees all human rights and dignity as previously did in the former ones. The Draft new Constitution is currently under consideration. In addition to PDEA and Education Act for Persons with Disabilities B.E. 2551 (2008), the proposal to draft the Accessibility Act was also proposed by Disabilities Thailand (DTH) and received support by the then National Reform Council. The proposal will be further submitted to the Cabinet for consideration. The 4th National Plan on the Empowerment of Persons with Disabilities B.E. 2555-2559 serves as a comprehensive framework for all relevant government agencies to apply the promotion and protection of the rights of persons with disabilities more holistically and efficiently in their works. The 4th National Plan prioritizes the elimination of all forms of discrimination against persons with disabilities to create an inclusive society for all. Every Provincial Administration is required to develop its own Strategies and Plans of Action on the Empowerment of Persons with Disabilities to address their local needs. The 1st Strategic Plan for Empowerment of Women with Disabilities B.E. 2556-2559 (2013-2016) was also developed to address specific needs and challenges faced by women and girls with disabilities.

10. The National Human Rights Commission of Thailand (NHRCT) serves as an independent monitoring body on all forms of discrimination in Thailand. The Ombudsman Thailand and the Administrative Court also work to provide channels where people,

including persons with disabilities, can submit complaints against discrimination. To promote access to justice for all, persons with disabilities can seek financial and legal assistance from the Justice Fund, which includes bail charges, lawyer fees, court fees and expenses for gathering truths and evidences.

11. Thailand's 3rd National Human Rights Plan B.E. 2557-2661 (2014-2018) encompasses both persons with disabilities and ethnic groups as two of the 15 main target groups. Therefore, persons with disabilities who are ethnic minorities are protected as persons with disabilities and as ethnic minorities under this Plan. The Plan underscores the eradication of all forms of discrimination against persons with disabilities and promotes public awareness and positive attitudes towards persons with disabilities as well as people belonging to various ethnic identities. The PDEA B.E. 255 (2007) and its amendment (Vol. 2) B.E. 2556 (2013) (Section 19/1) states that persons with disabilities and with status problem shall receive support from the government in accordance with the principles of fundamental human rights and human dignity. Such support includes the right to education for all at basic education for free. In February 2015, Thailand withdrew the interpretative declarations to Article 18 of the Convention, which guarantees that children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Reply to the issues raised in paragraph 6 of the list of issues

12. Disabilities Thailand and representatives from organizations of persons with disabilities submitted the Draft amendment to PDEA B.E. 2550 and its amendment (Vol. 2) B.E. 2556 (2013) to the Cabinet, which instructed relevant agencies to provide comments to the Cabinet for further consideration. Such amendments include upgrading the Sub-committee on Elimination of Discrimination against Persons with Disabilities to the Committee status with the aim to enhance the Sub-committee to take more proactive roles with necessary mandates and more budget allocation.

13. Currently, the Sub-committee on Elimination of Discrimination against Persons with Disabilities is chaired by a person with disability who is an expert in laws and policies related to persons with disabilities. The Sub-committee consists of nine members, five of which are proposed by the Disabilities Thailand and the organizations of persons with different types of disabilities. The other four members are recruited from the group of experts on disability. Chairperson is elected from the Sub-committee members.

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 7 of the list of issues

14. Women with disabilities are included in public policies and programmes such as the 4th National Plan on the Empowerment of Persons with Disabilities and the 1st Strategic Plan for Empowerment of Women with Disabilities B.E. 2556-2559 (2013-2016). The draft proposal to amend the PDEA B.E. 2550 (2007) and its Amendment (Vol. 2) B.E.2556 (2013) specifies quota allocated for women with disabilities in the National Committee on Empowerment of Persons with Disabilities and respective Sub-committees for each type of disabilities in order to promote roles of women with disabilities at the policy making level.

15. Data on persons with disabilities (including women with disabilities) are collected every 5 year by the National Statistical Office (NSO), using the International Classification of Functioning, Disability and Health (ICF) of World Health Organization (WHO). The first, second and third survey on persons with disabilities were done in 2002, 2007 and 2012 respectively. The data derived from the surveys are used by general public.

Government agencies benefit from such surveys in shaping public policies and determine appropriate services for persons with disabilities. Various stakeholders can refer to the surveys in their studies and their recommendations to the Government. The latest survey in 2012 revealed that there were 1.5 million of persons with disabilities out of the whole population of 65.5 million (2.2%). According to the survey, 2.3% of Thai women and 2.1% of Thai men were classified as persons with disabilities. The survey also collected data from persons with disabilities with respect to different areas, such as education, occupations, access to services and assistive devices, access to ICT, the use of computers and internet, the use of mobile phones, difficulties in carrying out activities with their families and in their communities, disability and mental health, and the needs for additional services. In parallel the DEP also collects data of persons with disabilities in various categories, with an aim to identify implementation gaps and specific needs of individuals with disabilities. Information from both NSO and DEP also helps formulate the Standard of Quality of Life for Persons with Disabilities, which was launched in 2014 and was used by DEP to identify persons with disabilities who are in need of the Government support. As a result, approximately 1,000 persons with disabilities are accorded assistances by the Government under the Individual Evaluation Plan. According to DEP, the number of persons who have disability I.D. cards as of October 1, 2015 is 1,753,864 (947,294 men and 806,570 women).

16. In addition, the Fund for Empowerment of Persons with Disabilities (FEPD) allocated 15 million baht (421,695 USD) for the implementation of the Strategic Plan on the Empowerment of Women with Disabilities. The organizations of women with disabilities can submit their projects to qualify for financial support. Such projects include nationwide campaigns and workshops on elimination of violence against women with disabilities. Workshops and seminars were organized by organizations of women with disabilities at the provincial, district and sub-district levels, to raise awareness on the rights of women with disabilities free from physical and sexual violence, abuse and exploitation.

17. The DEP also cooperates with other agencies to work on the issues. The MOM between DEP and three Australian organizations including Minda Corporate, a Disabilities Services Center was signed in 2013. The trainings on reproductive health and wellbeing of women with disabilities were co-organized by DEP and Minda Corporate in 2014 and 2015 for women with disabilities from various organizations of persons with disabilities in rural areas, personal assistants of women with severe disabilities, employees of local administrative offices, and members of the communities in rural and remote areas. The main focus of the trainings is on physical and sexual violence and abuse of women with disabilities ranging from self-defense, community preventive measures to support available for women with disabilities concerned.

Reply to the issues raised in paragraph 8 of the list of issues

18. Thailand is committed to the promotion and protection of the rights of women and girls with disabilities in accordance with domestic laws and international human rights instruments to which Thailand is party. The 1st Strategic Plan on Empowerment of Women with Disabilities specifies the rights of women and girls with disabilities with 6 strategies as follows:

- Promote full and equal access to the rights and eliminate discrimination against women and girls with disabilities.
- Eliminate violence against women and girls with disabilities.
- Promote health and quality of life of women and girls with disabilities.
- Empower women and girls with disabilities to have equal and active roles.

- Empower organizations of women with disabilities at all levels.
- Promote positive attitudes towards women and girls with disabilities.

19. Projects under the Strategy include key issues such as reproductive health of women with disabilities, vocational rehabilitation and employment promotion for women with disabilities, inclusive, informal, non-formal and alternative education for persons with disabilities in urban and rural areas, life-long learning for persons with disabilities in remote areas via television, radio and internet. The programs are accessible for persons with all types of disabilities including women and girls residing in rural, remote areas. Women with disabilities have also applied for the Loans for Entrepreneurs with Disabilities under the Fund for the Empowerment of Persons with Disabilities and accounted for approximately 40% of all approved applicants.

Children with disabilities (art. 7)

Reply to the issues raised in paragraph 9 of the list of issues

20. There are strong parents' groups and networks such as Association of Parents for Thai Persons with Autism and Association for Persons with Intellectual Disabilities in Thailand. There are several programs and support services initiated by the government and NGOs to support families of children with disabilities at the national and community levels. Physical Rehabilitation, Community-Based Rehabilitation (CBR), Environmental Accessibility Programs (House and Community Modification), Empowerment Program for Personal Assistants (PA) and Caretakers of Persons with Disabilities, and Sign Language Interpreters are some of the examples. Families with financial constraints, including families of children with disabilities, are eligible for financial support in the amount of 2,000 baht (56 USD) per time, with the maximum of three times a year from the government to cover related expenses in taking care of their children. For health services, there are comprehensive programs available to children with disabilities such as high risk maternal screening, birth defect registration, congenital abnormality screening programs and early interventions.

Reply to the issues raised in paragraph 10 of the list of issues

21. Thailand ratified the Convention on the Rights of the Child (CRC), which guarantees the rights of all children in the country, including children with disabilities and the CRC 3rd Optional Protocol on Communication Procedures, which allows communications to be submitted by or on behalf of an individual or group of individuals claiming to be victims of a violation by the State. Like other children, children with disabilities should live with their families in the communities rather than in the institutions. With support from the government and communities, families of children with disabilities should take care of the children by themselves. In order to keep the children with their families, several programs and support services as mentioned in answer to question No. 9 have been initiated. The PDEA B.E. 2550 (2007) and its amendment (Vol. 2) B.E. 2556 (2013) stipulates a broad definition of caregivers which include parents, children, husbands, wives, relatives, siblings, or other persons who take care persons with disabilities. This enable them to receive counseling services, training on care-giving skills, education, career development and employment promotion and any other assistances for self-reliance. Both persons with disabilities and caregivers are also entitled for tax deductions or tax exemptions as prescribed by the Law. These programs and benefits can help prevent children with disabilities from being abandoned or sent to the institutions on the ground of their disabilities.

22. In case of children with disabilities who are abandoned, they are taken care by public or private centers. There are 11 centers run by the government that take care of children and youth with disabilities who are abandoned (1 center for newborn-7 years of age, 3 centers for ages 7-18 and 7 centers for ages over 18). Although the centers can meet the international standards on the administration and facilities to maintain good quality of life of children and youth with disabilities, the ultimate goal is not to keep children with disabilities in the institutions. Foster families are also available to take care of abandoned children with disabilities. Under foster families program, children are looked after by volunteer families in the communities. . Hence, the children can stay in the communities instead of being sent to the institutions.

Awareness-raising (art. 8)

Reply to the issues raised in paragraph 11 of the list of issues

23. There are programs to promote positive attitudes of the public and the communities at all levels. For example, the Workshops on Disabilities Equality Trainings (DET) are organized both by the government and organizations of persons with disabilities throughout the country for government officials, community leaders, stakeholders and general public to promote proper understanding on disabilities and to eliminate stereotypes and stigma against persons with disabilities. Every year, outstanding persons with disabilities are selected and awarded as "Role Models" from various areas such as education, sports and social contribution to not only inspire other persons with disabilities but also to generate the recognition and acceptance among general public. Persons with disabilities are encouraged to take part as leaders at the community, provincial, national and international levels. At present, persons with disabilities also serve as members of the National Legislative Assembly and the National Reform Steering Assembly. The government has supported the training programs of athletes with disabilities and their participation in Paralympics Games. Some Thai athletes with disabilities have won the medals, resulting in more positive attitudes of the public. Youth with disabilities are sponsored to join in the Global IT Challenges for Youth with Disabilities in Asia and the Pacific. Women with disabilities are sponsored to participate in international trainings and conferences such as ASEAN Workshops on Empowerment of Women with Disabilities. In October 2015, a concert "From Street to Star" was co-organized by DEP and Thailand Association of the Blind (TAB), with an aim to raise awareness on the competency of persons with disabilities and to transform common public attitudes towards persons with visual disabilities who are often found singing and make a living by the street. There will be 7 more concerts under this project in all 4 regions of Thailand with 800 participants.

24. There are TV programs such as interview reports, travels and documentaries produced and hosted by persons with disabilities. Persons with disabilities are also encouraged to participate in important events such as Bike for Mom and Bike for Dad which are countrywide activities to celebrate the Queen's and King's birthdays. On the 3rd of December every year, Thai people also celebrate the International Day of Persons with Disabilities by organizing public seminars and awarding outstanding persons with disabilities, communities, organizations that successfully recognize and promote the rights of persons with disabilities.

Reply to the issues raised in paragraph 12 of the list of issues

25. The organizations of persons with disabilities in Thailand are very active in awareness raising and promoting positive attitudes towards persons with disabilities. Several activities and campaigns launched by organizations of persons with disabilities at national and international levels receive financial support from the DEP and Fund for

Empowerment of Persons with Disabilities. Non-Handicapping Environment (NHE), Disability Equality Training (DET) and Community-Based Rehabilitation (CBR) trainings, ASEAN Disabilities Forum (ADF) and ASEAN Autism Network (AAN) are some of the examples. In these activities, persons with disabilities take their active roles both as trainers and organizers. DEP also contributes financially to the Asia-Pacific Center on Disability Development (APCD) established in 2002 under the Biwako Millennium Framework (BMF) to carry out its works such as network for capacity building activities of persons with disabilities, CBR, Community-based Inclusive Development (CBID), Disability Inclusive Business (DIB), knowledge management and e-newsletter.

Accessibility (art. 9)

Reply to the issues raised in paragraph 13 of the list of issues

26. The government has several measures by to ensure all aspects of accessibility. Examples include: Braille printing on medicine labels, fast track for outpatients with disabilities in the hospitals under Bangkok Metropolitan Administration, guidelines to monitor accessibility standards in all 5 aspects (ramps, elevators, parking space, signage and information access). Regarding transportation, Bangkok Mass Transit Authority provides low-floor buses with space for wheelchairs and audio warning system for people with visual impairment. ICT devices such as computers, mobile phones, tablets and assistive devices are given or lent by the Ministry of Social Development and Human Security, Ministry of Education and Ministry of Public Health to persons with disabilities according to their needs. In order to promote accessible environment, DEP annually organizes the contest on "Accessible Building for Persons with Disabilities". The winner receives an award of 1,000,000 Baht (about 30,000 US Dollars). Government agencies are also required to report every six months on their implementation under the Cabinet Resolutions on May 19, 2009 and November 20, 2012 on accessibilities of public facilities for persons with disabilities. Regarding accessible tourism, handbooks are disseminated to hotels and tour operators as guidelines on how to service senior customers and customers with disabilities. In 2014, Ministry of Public Health developed action plan and process indicator to regulate provincial hospital in accessibility standards in all 5 aspects (ramps, disabled-lavatory, parking space, sign and information access).

27. In term of communication access, there are several programs to ensure that persons with all types of disabilities can access information on an equal basis. The Rehabilitation Engineering and Assistive Technology Institute (REAT) and Thai Industrial Standards Institute developed the Web Content Accessibility Guidelines for programmers and webmasters and an application program that can be downloaded by users with disabilities to check whether the websites are accessible by persons with disabilities. In addition, there are plans to set up accessibility standards for the elderly and persons with disabilities such as Digital Talking Book Standard, Office Equipment Accessibility Guidelines for the Elderly and Persons with Disabilities and Telecommunications Accessibility Guidelines for the Elderly and Persons with Disabilities. According to Article 36 of the Broadcasting and Television Business Operations Act B.E. 2551, service providers are obliged to make television programs accessible to persons with hearing and visual disabilities such as sign language interpreters, subtitles and audio description for news and documentary programs.

28. Organizations of persons with disabilities take active roles in promoting and monitoring accessibility such as accessibility survey in public places and transportation. They work with the authorities in the implementation of accessibility promotion plans and programs. For example, representatives from organizations of persons with disabilities and Council of Engineers and Architects are appointed by the Airport Authority of Thailand as a working group to improve the accessibilities of Suvarnabhumi Airport. Another important

movement toward the accessibility of persons with disabilities is the lawsuit between Persons with Disabilities' Network and Bangkok Metropolitan Administration (BMA) and Bangkok Transport System (BTS) regarding the equipment of elevators in the sky train stations. Persons with Disabilities' Network finally won the case at the Supreme Court, and as a result, BMA and BTS are required to equip the elevators in every sky train station by the end of 2015. The government and organizations of persons with disabilities also work together in the promotion of accessible tourism. In 2015, Koh Kred, a famous tourist attraction in Nonthaburi Province, is promoted as a model of accessible tourism. Some tour programs provide sign language interpreters for deaf and hard of hearing tourists.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issues raised in paragraph 14 of the list of issues

29. The National Plan on the Disaster Prevention and Mitigation B.E. 2558 (2015) developed in line with Sendai Framework for disaster risk reduction 2015-2030 attaches importance to disaster risk reduction, emergency management, and build back better and safer. Priority is also given to community resilience whereby communities take care of their members in case of disaster emergencies.

30. Handbooks for persons with disabilities on the disaster preparedness and evacuation are developed and disseminated to the public. Handbooks provide general guidelines on preparations, necessary life skills in such situation as well as the services available for persons with different types of disabilities.

31. In addition, DEP, the Department of Disaster Prevention and Mitigation, local administration and the communities co-organized trainings for disaster preparedness and evacuation drills for persons with disabilities, families, and volunteers in the provinces that experienced or are at risk of disaster. Specific needs of persons with disabilities in such circumstances also form parts of the trainings in order to raise awareness and prepare the communities to respond and address those needs. In some provinces, local administrations and communities managed to establish their single point of contact in case of disaster and emergencies. Some of them include specific contacts for persons with disabilities.

32. Thailand organized international conferences on the preparedness for disaster to promote public awareness especially in local communities. Asian Disaster Preparedness Center (ADPC) together with organizations of persons with disabilities in Thailand and from abroad, organized the International Conference on Tsunami Preparedness of Persons with Disabilities in Phuket, Thailand in 2007 with an aim to work with local communities on the Disaster Management Plan that includes persons with disabilities. The library building in the area was identified as an example for Phuket province as a single point of contact in case of the Tsunami. The 2nd International Conference on Disaster Preparedness for Persons with Disabilities was organized in Phuket in 2009 to create Network on Disaster Risk Reduction based on the United Nations World Summit on the Information Society (WSIS) Plan of Action, which prioritizes persons with disabilities in emergency situations.

33. The National Disaster Warning Center (NDWC) annually organizes the evacuation drills in 6 provinces along Andaman Sea (Ranong, Pang-nga, Phuket, Krabi, Trang and Satul) in which persons with disabilities participated and are given high priorities in the rescue operation in such situations.

Reply to the issues raised in paragraph 15 of the list of issues

34 As citizens, persons with disabilities residing in the Southern border provinces are protected under the laws. The government provided the same set of services and supports as in other parts of the country to persons with disabilities in the South. Such services include medical care and rehabilitation, disability allowance, financial support to families of children with disabilities, education and employment. The government and local authorities also work in cooperation to provide support programs and remedies to persons with disabilities and their families who are affected by violent situations in the Southern border provinces. Persons with Disabilities' Network is a civil society organization established as the coordinating body for organizations of persons with disabilities in the Southern border provinces. Through this Network, persons who have disabilities resulting from the violent incidents are identified so relevant organizations and government can render their support and services accordingly.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 16 of the list of issues

35. To embrace "Nothing about Us without Us", efforts have been made to limit the substituted-decision making and to encourage persons with disabilities to make decisions by themselves in things affecting their lives. Independent Living (IL) concept is promoted in Thailand, aiming to promote self-reliance and equal opportunities for persons with disabilities, including those with severe disabilities. With proper support like personal assistants, house modification and assistive devices, persons with disabilities can live independently with others in the communities. They can make decisions about various aspects related to their daily lives. At present, 15 IL centers in 13 provinces work to provide support programs for persons with disabilities such as peer counseling, home visits, independent living skill trainings and personal assistants trainings.

36. To increase the roles of persons with intellectual disabilities, mental disabilities and persons with autism, persons with these types of disabilities instead of their guardians are now appointed as members of their relevant sub-committees (Empowerment of Persons with Intellectual Disabilities, Empowerment of Persons with Mental Disabilities and Empowerment of Persons with Autism). DEP also supports the organizations and groups of persons with intellectual disabilities and persons with autism such as the Innovation Center for Empowerment of Persons with Intellectual Disabilities and Vocational Center for Persons with Autism through trainings and financial assistance.

Access to justice (art. 13)

Reply to the issues raised in paragraph 17 of the list of issues

37. Campaigns on the rights of persons with disabilities organized by the government and organizations of persons with disabilities also include awareness raising on their rights and equal access to justice. The Justice Fund Act B.E. 2558 (2015) was publicized in the Royal Gazette on October 22, 2015 and shall come into force on April 19, 2016. Under the Act, the "Justice Fund" shall be allocated to those in need for the expenses arising from legal processes and to campaigns on the awareness of relevant laws in order to reduce the gap on access to justice among various groups of people including persons with disabilities. For persons with hearing and communication disabilities, under the Criminal Procedure Code Section 13 paragraph 2, where the victim, accused, defendant or witness sustains speech disorder or hearing impairment or cannot express meaning and is not yet represented by any sign language interpreter, the inquirer, public prosecutor or court shall provide one

for him or may organize other appropriate means of questioning, answering or meaning expression for him. In other words, written communications can also be used as a form of testimony for persons with disabilities. The Civil Procedure Code Section 95 prohibits the dismissal of the testimony of the persons unless such persons (1) can understand and respond to questions and (2) witness by sight or hearing or made aware of the information directly.

Liberty and security of the person (art. 14)

Reply to the issues raised in paragraph 18 of the list of issues

38. In principle, persons with disabilities are not to be deprived of their liberty on the basis of their impairments. However, in some cases where the persons may pose some risks to the safety of the said persons and other persons, mechanisms are in place to consider whether they should receive appropriate treatment in the institutions.

39. Mechanisms to support persons with disabilities are available in order to prevent them from being unfairly sent or kept in the institutions. Section 17 of the Mental Health Act B.E. 2551 (2008) stipulates that: Treatment by means of physical restraint, confinement or seclusion of a patient shall not be given, provided that it is necessary for the protection of the patient, other persons or properties of other persons and it is given under close monitoring of the person giving such treatment in accordance with his professional standard.

40. For inpatients in mental hospitals or institutions, their length of stay is decided by the infirmary board based on their conditions in order to avoid the extended stay in the hospitals or institutions with undue reasons. Visits are allowed for family members and relatives of the patients with appropriate record system. Some hospitals have support programs for persons with mental disabilities to go back to their communities, for example, a Half Way Home, which is a program to prepare the patients at the transition period from hospitals to communities reintegration, and the program to promote positive attitudes and understanding of the communities towards persons with mental disabilities.

41. At present, approximately 500 persons with disabilities who stay in the government institutions are those who have no families or abandoned by their families. They received medical, educational, vocational and social rehabilitation to be prepared for reintegration into the communities. Such communities can also get support from the government i.e. CBR programs and health and community development volunteers whose jobs are to identify, advise and support persons with disabilities in their communities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issues raised in paragraph 19 of the list of issues

42. The Mental Health Act B.E. 2551 (2008) Section 17 stipulates that treatment by means of physical restraint, confinement or seclusion of a patient shall not be given, provided that it is necessary for the protection of the patient, other persons or properties of other persons and it is given under close monitoring of the person giving such treatment in accordance with his professional standard. Section 18 also stipulates that electroconvulsive treatment, treatment to be given to brain or nervous system or any other treatment which may result in irreversible physical conditions shall be given in the following cases:

- The patient gives written consent for treatment after he has known of reasons and necessities, risks from severely harmful complicacies or irreversible physical conditions and benefits of treatment.
- There is urgent and critical necessity for the patient to have treatment, otherwise his life would be at risk. In this case, the unanimous approval of the infirmary board is required.

43. Section 21 stipulates that treatment may be given when reasons, necessities, details and benefits thereof have been explained to patient and consent for treatment has been given by the patient, except the following mental disorder cases as mentioned in Section 22:

- Being in threatening condition.
- Having requirement for treatment.

44. Section 21 also mentions the case where the patient is less than eighteen years of age or incapable to have decision in giving consent for treatment, his spouse, ancestor, descendant, protector, curator, guardian or a person who takes care of that person, as the case may be, shall give consent on his behalf.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the issues raised in paragraph 20 of the list of issues

45. Persons with disabilities, especially women and children with disabilities, are protected from exploitation, violence and abuse under relevant Laws such as: the Domestic Violence Victims Protection Act B.E. 2550 (2007), the 2nd Anti-Trafficking in Persons Act B.E. 2558 (2015) and Homeless and Needy People Protection Act B.E. 2557.

46. There are action plans to educate the public about the Domestic Violence Victims Protection Act B.E. 2550 to let people aware of their rights and understand the practices of violence including how to stop violence and how to help victims. For the victims who need lawyers, the Provincial Office of the Attorney General provide lawyers free of charge. The Provincial Office of Lawyers Council of Thailand under the Royal Patronage gives legal advice to the public through the internet and hotline 1167.

47. The Anti-Trafficking in Persons Act B.E. 2551 and its amendment (Vol. 2) B.E. 2558 defines exploitation which includes seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, causing another person to be a beggar, forced labour or services, coerced removal of organs for the purpose of trade. All including persons with disabilities are protected under this Act.

48. Thailand's Anti-Human Trafficking Action Plan, Operational Guideline on the Prevention and Suppression of Trafficking for Labour Purpose and Assistance and Protection for Trafficked Persons are put in place to support the implementation of the Act.

49. In addition, the National Center on Prevention and Suppression of Human Trafficking (NOCHT) is established as a mechanism to combat human trafficking. Emergency cases such as the exploitation and violence against women, children and persons with disabilities, child labour and human trafficking can be reported to 1300 hotline service which is available 24 hours in every province.

Protecting the integrity of the person (art. 17)

Reply to the issues raised in paragraph 21 of the list of issues

50. According to the Mental Health Act B.E. 2551 (2008), persons with mental disabilities have rights to standard medical treatment with due regard to human dignity, to confidentiality of illness and treatment (except where the disclosure thereof is prescribed by laws), to protection from research and to impartial and equal protection under the health and social security system and other systems provided by the State. Section 19 of the Mental Health Act B.E. 2551 (2008) stipulates that a patient shall not be sterilized, except where the patient gives written consent for treatment after he has known of reasons and necessities, risks from severely harmful complicacies or irreversible physical conditions and benefits of treatment. According to the declaration of patient's right from The Medical Council of Thailand, the last issue documents that "The father/mother or legal representative may use their rights in place of a child under the age of eighteen or who is physically or mentally handicapped wherein they could not exercise their own rights.", which can indicate the safeguards available to ensure that no persons with disabilities are subjected to forced involuntary medical treatment including forced sterilization.

Living independently and being included in the community (art. 19)

Reply to the issues raised in paragraph 22 of the list of issues

51. The Provincial Disability Services Centers and the General Disability Services Centers work alongside with the Independent Living (IL) Centers. All of these centers provide community-based services to persons with disabilities at all levels in the province (villages, sub-districts, districts and provinces). However, the support of independent living is specifically the mission of IL Centers, which provide services such as peer counseling, home visits, personal assistants, trainings of personal assistants (PA) and campaigns on the rights of persons with disabilities. These services are provided for persons with disabilities at all ages including children with disabilities and families. Currently there are 15 IL Centers in 13 provinces. The Director of IL Council Thailand serves as a Member of Sub-committee under the Commission on Persons with Disabilities of the National Legislative Assembly. Hence, the concept of IL receives attention at the national legislative branch.

Education (art. 24)

Reply to the issues raised in paragraph 23 of the list of issues

52. The rights to education of children with disabilities are guaranteed by most laws related to children. For example, Section 6 (3) of the National Child and Youth Development Promotion Act B.E. 2550 (2007) stipulates that children with disabilities, children with learning disabilities, and gifted children have the rights to education specially provided by the state that is appropriate to their needs and characters. Section 10 of the National Education Act B.E. 2542 (1999) and the amendment Vol. 2) B.E. 2545 (2002) stipulates that: In the provision of education, all individuals shall have rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis, shall be of quality and free of charge. Persons with physical, mental, intellectual, emotional, social, communication, and learning disabilities shall the rights and opportunities to receive basic education specially provided. Education shall be provided free of charge at birth or at first diagnosis. Persons with disabilities sha!l have the right to access the facilities, media, services, and other forms of educational aid in conformity with the criteria and procedures stipulated in the

Ministerial Regulations on the Criteria and Procedures on Facilities, Media, Services and Other Forms of Educational Aid B.E. 2550 (2007). Education for specially gifted persons shall be provided in appropriate forms in accordance with their competencies. Section 8 of the Persons with Disabilities Education Act B.E. 2551 stipulates that educational institutions must prepare educational environments that suit the needs of persons with disabilities. Persons with disabilities are able to make educational choices according to their interests, preferences, proficiencies, and abilities. In case any educational institute refuses the admission of persons with disabilities without any justified reason or cause as prescribed under the criteria and procedures issued by the Office of Basic Education Commission (OBEC), such action shall be considered an act of discrimination. Section 9 stipulates that persons with disabilities are entitled to educational media, facilities, services and other forms of educational support. They are entitled to assistive technologies, special materials, and other services based on their special needs as specified in their individualized education plans (IEPs). Section 32 (9) of the Copyright Act (No. 3) B.E. 2558 stipulates that, on the condition of no profit making, the reproduction or modification for the accessibility of persons with visual, hearing, intellectual, learning disabilities or any other forms of limitations that prevent them from the access to the information provided in the existing formats is not considered as the copyright violation.

53. Children with disabilities can get 12 years of basic education free of charge plus financial support for tertiary education at bachelor degree level. They are also entitled for students' loans provided by the government to university students who have financial constraints. The Ministry of Education sets up a variety of educational programs for both public and private educational sectors, enabling students with disabilities to choose programs suited to their special needs. Programs supported by the government are inclusive education, special classrooms, special schools, home schools, vocational education and higher education cover pedagogic models, teachers, learners, materials or environments to facilitate inclusion of students with disabilities. In order to promote inclusive education, the government provides services and trainings such as workshops and conferences for school administrators and teachers on how to support students with disabilities including resources and services available for students and schools. Schools can modify the curriculum to fit individual students such as those with learning or intellectual disabilities.

54. At university level, there are Disability Support Services Centers that provide services such as sign language interpreters, tutoring classes and other forms of facilities based on the students' needs. According to the PDEA, universities and vocational colleges are supported to enroll students with disabilities by reimbursement of tuition and fees from the Ministry of Education. Universities and colleges that have more than three students with disabilities enrolled receive support to set up Disability Support Services (DSS) Centers. There are support systems in term of the evaluation as well. Students with visual impairment can have extra time for the exam, for example, because it takes more time to read the text. Students with hearing impairment can have the instructions explained in sign language.

Health (art. 25)

Reply to the issues raised in paragraph 24 of the list of issues

55. Persons with psychosocial disabilities are protected under the Mental Health Act B.E. 2551 (2008) which states, as mentioned in reply to question No. 19, that persons with mental disabilities have rights to standard medical treatment with due regard to human dignity, to confidentiality of illness and treatment (except where the disclosure thereof is prescribed by laws), to protection from research, to impartial and equal protection under the health and social security system and other systems provided by the State.

56. The Department of Mental Health, Ministry of Public Health organized trainings for mental health personnel, especially those who work in mental health hospitals and institutions about the rights of persons with psychosocial disabilities to ensure that they provide mental services to persons with psychosocial disabilities using rights-based approach. The Ministry of Public Health also organized trainings for medical doctors, nurses and general medical staff to raise awareness on the rights of persons with disabilities.

Habitation and rehabilitation (art. 26)

Reply to the issues raised in paragraph 25 of the list of issues

57. DEP works closely with local authorities and organizations of persons with disabilities in provincial and district levels to promote the rights of persons with disabilities in various aspects. At present, 473 General Disabilities Services Centers are set up through voluntary application of standardized organizations of persons with disabilities, administration organizations, hospitals and special education centers at sub-district level. Total 157 Community Learning Centers countrywide located in local schools, temples and some sub-district administration offices also provide learning and rehabilitation courses for persons with disabilities living in the community neighborhood. These centers also serve as platform for their social interactions and activities. The Provincial Plan on Empowerment of Persons with Disabilities is developed by respective provincial administration, which allows specific measures to support and provide services as well as to reach out to the groups in remote areas. DEP, CSOs and organizations of persons with disabilities provide CBR programs and activities beyond the district level. CBR programs provided at sub-district and village levels include programs such as health care, education, employment and early intervention services. The WHO CBR Guidelines were translated into Thai and disseminated to organizations of persons with disabilities and related CSOs countrywide. The Department of Medical Services (DMS), Ministry of Public Health organizes and promotes CBR in many aspects. Since 1996, DMS developed the knowledge management in topic "The role to promote health and quality of life of the local administration and person with disabilities" and "Approach to health care organizations in the community for person with disabilities". After that DMS also supported the CBR programs for person with disabilities by community in the four regions of Thailand. In 2014, DMS has pushed the health policy of person with disabilities in the community through health indicators in the area of health services, facilitated CBR model and developed effective referral system for health services.

Work and employment (art. 27)

Reply to the issues raised in paragraph 27 of the list of issues

58. According to the survey done by the National Statistical Office in 2012, there were 1,434,573 persons with disabilities who were 15 years of age and over (662,665 men and 771,909 women). However, only 369,080 people worked or had some kinds of jobs (216,324 men and 152,756 women). Please see Table 2 in Annex. Even though there were more women than men with disabilities, the number of men who work was higher than that of women. More intensive measures and practices are needed to fill the gap.

59. Under the Ministry of Labor Regulation announced on April 29, 2011, public and private organizations are required to hire one person with disabilities in every 100 employees and one additional person with disabilities for additional more than 50 employees. Since then the number of workplaces in private sector that fully follow the

regulations and report to DEP has increased from 9,284 in 2012 to 10,484 in 2015. (Please see Table 3 in Annex.) The number of persons with disabilities employed in private sector also increases from 16,559 in 2012 to 28,151 in 2015. (Please see Table 4 of Annex.)

60. As for government agencies, the Cabinet Resolution on October 27, 2015, requires the government agencies with 100 or more employees to hire at least 1 person with disabilities, and to hire one additional person with disabilities for additional more than 50 employees. Such government agencies shall send annual reports on the employment of persons with disabilities or their plans to hire persons with disabilities to DEP for data collection and follow up. In fiscal year 2014, 290 government agencies were required to hire persons with disabilities. Among these, 160 agencies sent reports to DEP and needed to employ 10,246 persons with disabilities. However, 1,668 persons (16.27%) were employed, with 1,280 persons actually employed in these agencies and 390 persons employed by sub-contracts, outsourced companies or other means. Some ministries manage to fulfill the requirements. The Ministry of Social and Development and Human Security and the Ministry of Labour are those examples with 100 employees with disabilities out of 9,240 employees, and 171 employees with disabilities out of 13,387 employees respectively. More efforts need to be done to promote wider and higher employment of persons with disabilities by government agencies concerned.

61. Currently there is only one sheltered workshop in operation in Thailand, with 65 persons with disabilities working and receiving trainings there.

62. Section 34 of the PDEA stipulates that employers or entrepreneurs who do not employ persons with disabilities at the proper proportions shall send money to the Fund for Empowerment of Persons with Disabilities. The Fund for Empowerment of Persons with Disabilities is administered to empower persons with disabilities in all dimensions including the employment promotion and other income generation activities/projects. Since its establishment in 1995, the Fund has been allocated to support individuals and organizations of persons with disabilities as follows: the amount of 3,194.13 million baht is allocated as loans for 121,962 entrepreneurs with disabilities, and the amount of 1,564.49 million baht is allocated to organizations of persons with disabilities for 3,392 projects on the empowerment of persons with disabilities. For fiscal year 2015, the amount of 441,471,820 baht is allocated as loans for 13,047 entrepreneurs with disabilities, and the amount of 579,426,470 baht is allocated to 452 organizations of persons with disabilities for 614 projects on the empowerment of persons with disabilities.

63. Under the PDEA, there is the Sub-committee on the Administration of the Fund comprising at least 7 representatives from organizations of persons with disabilities as members. The Sub-committee has roles and duties to administer the Fund, approve projects, report financial status and the administration of the Fund to the National Committee on Empowerment of Persons with Disabilities.

Adequate standard of living and social protection (art. 28)

Reply to the issues raised in paragraph 28 of the list of issues

64. Persons with disabilities who register with DEP will receive all benefits (i.e. free medical rehabilitation, education, public transportation) since the day they are issued disabilities identification cards as prescribed by the Laws. The monthly disability allowance is provided to all persons with disabilities who apply for it, regardless of their employment status or income level. According to the Ministry of Interior Criteria issued on March 23, 2010 regarding Disability Allowance Payment by Local Administrative Offices, persons with disabilities who wish to get monthly allowance need to submit the application in November of the current year in order to get monthly allowance in the new fiscal year

which shall start in October of the following year. Such one year gap is a result of budgetary procedures and regulations. Consultations among concerned agencies are made to explore viable options to address this problem. The amount of monthly disability allowance should not be compared to minimum wage. Such allowance is not a main source of income and benefits. Persons with disabilities are encouraged to earn income from works and enjoy their independent living based on their potentials and capacities. In order to promote self-reliance of persons with disabilities, the government provides support in education and employment to persons with disabilities. This aims to empower and promote their long term, sustainable and inclusive development.

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 29 of the list of issues

65. According to the Regulations on the Election of Municipal Council Members and Local Administration Members B.E. 2546, the Election Committee is required to provide support and services to voters with disabilities. Political participation of persons with disabilities is promoted at all levels. Currently, there are representatives of persons with disabilities in the National Legislative Assembly, the National Reform Steering Assembly and local administrative councils at the district, sub-district and village levels.

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 30 of the list of issues

66. In previous disability surveys done by the National Statistical Office (NSO), the number of persons with disabilities was lower than the World Health Organization's estimates due to different criteria and questions asked in the survey to gather data about persons with disabilities. In the disability survey done by NSO, the Washington Group on Disability Statistics (WG) was used as a main instrument, while ICF was used in the survey of WHO. Sub-committee on the Implementation of CRPD discussed such discrepancies with a view to improve NSO data collection in the next survey scheduled in 2017. DEP also collects data on persons with disabilities who registered and are disability I.D. card holders. Such data are categorized by ages, genders, occupations and household registration.

International cooperation (art. 32)

Reply to the issues raised in paragraph 31 of the list of issues

67. There are campaigns and workshops to promote the implementation of the Incheon Strategy and the ASEAN Decade on Persons with Disabilities. The Incheon Strategy has been translated into Thai and disseminated to public and private sectors, organizations of persons with disabilities and stakeholders. There is a handbook to access the rights stipulated in the Incheon Strategy. Thailand will host the 3rd Working Group Session on Asia Pacific Decade of Persons with Disabilities (2013-2022) in March 2016 to review progress made in the implementation of the Incheon Strategy. The 5th National Plan on Empowerment of Persons with Disabilities which is to be developed will also include SDGs in its Strategies. DEP also works with ESCAP on the draft of Thailand's National Action Plan for Operationalizing the Incheon Strategy Indicators. The government agencies are well aware of the sustainable development goals (SDGs) as agreed at the United Nations Summit to adopt the post-2015 development agenda in September 2015 and consider such goals and targets which include those related to persons with disabilities in formulating development policies, plans and activities.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 32 of the list of issues

68. The National Office for Empowerment of Persons with Disabilities (NEP) has been restructured and upgraded to become the Department of Persons with Disabilities (DEP) to assume roles and duties expanded to cover implementation in addition to policy and strategy formulation. New structure of DEP in corporate implementing arms such as homes for persons with disabilities, vocational rehabilitation centers and autistic services centers, all of which used to be under the Department of Social Development and Welfare.

69. At present, the DEP acts as the national focal point on disabilities at the national level and for the implementation of the Convention in Thailand. The DEP serves as the Secretariat of the National Committee on the Empowerment of Persons with Disabilities, which is chaired by the Prime Minister. The Committee's roles and duties include to propose to the Cabinet policies, plans and projects related to the empowerment of persons with disabilities for the Cabinet's approval, to provide consultation and advice to the Minister in charge concerning government policies and laws, to identify existing discriminatory practices against persons with disabilities as well as relevant solutions, in line with the Convention.

70. The National Human Rights Commission of Thailand (NHRCT) works to promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation. The NHRCT coordinates with the DEP in the implementation of the Convention in Thailand. A representative from NHRCT also serves in the Sub-committee on the Implementation of the Convention in Thailand. The NHRCT gives advice to the DEP in the consideration of possible ratification of the Convention's Optional Protocol. The NHRCT contributes in the process of drafting the reports of the government to submit to United Nations bodies and committees and submit a Parallel Country Report on the Implementation of the Convention to the United Nations Committee on the Rights of Persons with Disabilities.

71. Discussions have been made with regard to the needs of the NHRCT for a reform to be in compliance with the Paris Principles. The Office of NHRCT organized a seminar on June 2, 2015 to gather inputs from Human Rights Organizations' Network, CSOs, the academics and experts from different sectors to ensure the transparency and to encourage diversity in the recruitment process of the NHRCT Members.